



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/195,933 11/19/98 BATES

S 112025-0094

CHARLES J BARBAS
CESARI AND MCKENNA
30 ROWES WHARF
BOSTON MA 02110

IM02/0918

EXAMINER

ETIENNE, A

ART UNIT

PAPER NUMBER

2155

DATE MAILED:

09/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/195,933

Applicant(s)
Bales

Examiner
Arlo Etienne

Art Unit
2155



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 19, 1998
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, and 9-16 is/are rejected.
- 7) ☒ Claim(s) 5, 7, and 8 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 and 3 20) ☐ Other: _____

Art Unit: 2155

DETAILED ACTION

1. This is a first office action in response to application filed, with the above serial number, on November 10, 1998 in which claims 1-16 are presented for examination. Claims 1-16 are therefore presented for examination.

Information Disclosure Statement

2. The Information Disclosure Statements received on 6/1/99 and 1/14/00 (papers No. 2 and 3) have been considered. See attached PTO Form 1449.

Drawings

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2155

5. Claims 1-4, 6 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA) in view of either Yamamoto (6,049,825) or Lorenzen et al (Lorenzen, 6,188,759)...

As per claims 1 and 9, the invention calls for a method and system for improving interaction between a first remote DLSw device coupled to a remote subnetwork including a switch having a forwarding table and a local DLSw device coupled to a local subnetwork including local end stations wherein the local DLSw device establishes a first logical peer connection with the first remote DLSw device in response to a failure of a second remote device. The method comprises determining the local end stations that are reachable through the first logical DLSw peer connection; generating test frames at the first DLSw device; and forcing the switch to immediately update the forwarding table with a port identifier and the source addresses of the test frames. AAPA substantially discloses the broad concept of the claims except for the immediate (or dynamic or automatic) updating of the forwarding table (see Background of the Invention (BoI)). However, both Yamamoto and Lorenzen discloses the well known concept of performing dynamic or immediate updates in the context of network packet switching or forwarding/routing table (see Yamamoto at col. 8 and 11; and Lorenzen at col. 1 and abstract). Therefore, one skilled in the art at the time the invention was made would have found it obvious to combined the teachings of AAPA to those of Yamamoto or Lorenzen to form a system wherein a network switch dynamically/immediately updates the network's forwarding table since this

Art Unit: 2155

would allow for valid routing information updates to be dynamically or immediately available thereby preventing system errors or data loss due to unreliable routing information.

Dependent claims 2-4, 6 and 10-16 recite limitations that are either explicitly or implicitly disclosed by AAPA (see BoI)

Allowable Subject Matter

6. Claims 5 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ario Etienne whose telephone number is (703) 308-7562. The examiner can normally be reached on Mondays-Thursdays from 7:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648 or at e-mail address ayza.sheikh@uspto.gov. The fax phone number for this Group is (703) 305-3718.

Application/Control Number: 09/195,933


Page 5

Art Unit: 2155

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A.E.

September 14, 2001


ARIELLE
PRIMARY EXAMINER